

LISA BLANCO JIMENEZ (SBN: 234671)
NEUMILLER & BEARDSLEE
A PROFESSIONAL CORPORATION
3121 March Lane, Suite 100
Post Office Box 20
Stockton, CA 95201-3020
Telephone: (209) 948-8200
Facsimile: (209) 948-4910

Attorneys for Plaintiff CARLOS IPINA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS IPINA, an individual;)	No. 2:22-CV-00132-KJM-CKD
)	
Plaintiff,)	
)	
vs.)	STIPULATION TO REMAND
)	REMOVED ACTION TO STATE
)	COURT; [PROPOSED] ORDER
PROVENA FOODS, INC., a California)	THEREON
corporation doing business as SWISS)	
AMERICAN SAUSAGE CO.; and)	
DOES 1 through 20, inclusive;)	
)	
Defendants.)	

Plaintiff CARLOS IPINA (“Plaintiff”) and Defendant PROVENA FOODS INC., a California corporation doing business as SWISS AMERICAN SAUSAGE CO. (“Defendant”), through their respective attorneys of record, hereby stipulate as follows:

WHEREAS, Plaintiff commenced an action against Defendant in the Superior Court of the State of California in and for the County of San Joaquin (the “San Joaquin County Superior Court”), entitled CARLOS IPINA, an individual, Plaintiff, vs. PROVENA FOODS, INC., a California corporation doing business as SWISS AMERICAN SAUSAGE CO. and DOES 1 through 20, inclusive, Defendants, as Case No. STK-CV-UWT-2021-0011590, on December 22, 2021 (the “Action”); Defendant was served in the Action by personal service on its agent for service of process on December 23, 2021; Defendant filed a Notice of Removal of the Action with the United States District Court for the Eastern District of California (the “Eastern District of California”) and the San Joaquin County Superior Court on January 21,

2022, asserting that the Eastern District of California has original jurisdiction in the Action because Plaintiff's Fourth Cause of Action for Failure to Pay All Wages Due Upon Separation (Cal. Labor Code §§ 201, 203) is preempted by Section 301 of the Labor Management Relations Act; and Plaintiff and Defendant thereafter met and conferred as to the removal and Plaintiff thereby clarified that he is only seeking to recover waiting time penalties by way of the Fourth Cause of Action and that he is not seeking to recover any vacation wages in the Action;

IT IS STIPULATED AND AGREED that the Action should be remanded to the San Joaquin County Superior Court and that the parties each shall bear his or its own attorneys' fees and costs with respect to the removal and subsequent remand of the Action.

Dated: February 7, 2022

NEUMILLER & BEARDSLEE
A PROFESSIONAL CORPORATION

By: /s/ Lisa Blanco Jimenez
LISA BLANCO JIMENEZ

Attorneys for Plaintiff CARLOS IPINA

Dated: February 7, 2022

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.

By: /s/ Lisa C. Hamasaki
LISA C. HAMASAKI

Attorneys for Defendant PROVENA FOODS INC.,
doing business as SWISS AMERICAN SAUSAGE CO.

ORDER

Based on the foregoing stipulation of the parties, this case is hereby remanded to San Joaquin County Superior Court.

IT IS SO ORDERED.

Dated:

KIMBERLY J. MUELLER
Chief United States District Court Judge